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May 1, 2019

VIA ECF

Honorable Brian M. Cogan
United States District Court, EDNY
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Santarella v. Schiller
Case No.: 19-cv-00826 (BMC)

Your Honor:

This letter is submitted to replace the letter submitted as Docket #17 in response to the Order issued this date regarding the settlement agreement reached by the parties. The reason for this replacement letter is that I inadvertently referred to a term of a non-judicial settlement which is to remain confidential unless disclosure is required by the Court and I (with defense counsel's consent) request that Docket #17 be removed. This letter is intended to aid a court in determining the reasonableness of proposed attorney's fees, Counsel provides the accompanying contemporaneous billing records documenting the date, the hours expended, and the nature of the work done by the undersigned. No other attorney worked on this matter on behalf of Plaintiff.

Under the settlement, Plaintiff's counsel will receive the amount of \$2,500.00. The billing records show I have expended 16.9 hours working on the within matter. At my customary hourly rate of \$400.00, the reasonable and fair value of my time expended is \$6,400.00. I have incurred costs of \$511.50. I have omitted 14.4 hours expended during the period 12/8/18 through 1/16/19 in pre-suit efforts to resolve Plaintiff's claims against defendant resulting from her discharge from employment. These hours (valued at \$5,760) are omitted from my statement of work presented to the Court in deference to the fact that such work did not directly relate to the litigation itself even though it was performed in pursuit of Plaintiff's claim. The point is I have \$12,160 of hourly time on this matter.

As stated in my previous submission, I have significant experience representing parties in wage and hour litigation, having been admitted to practice in 1978 in the State of New York and the United States District Courts for the Southern and Eastern Districts of New York. I later gained admission to the United States Supreme Court, the United States Court of Appeals for the Second Circuit and the United States Court of Claims. I have had long association with the American Bar Association ("ABA"), the ABA Section of Labor and Employment Law and the

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ABA Litigation Section as well as the New York State Bar Association ("NYSBA") and the NYSBA Labor Law Section.

I am a graduate of Cornell University's School of Industrial and Labor Relations. I received my law degree from New York Law School where I served as law review Research Editor. I also hold a Master of Laws degree in Labor Law from New York University and I have has been published in a variety of commercial trade publications on issues involving labor law.

I have defended and prosecuted numerous FLSA, NYLL, NY prevailing wage, Davis Bacon and other wage claims since the early days of my practice. In this Court, I am presently counsel for the defendant employer in *DeBono v. Riverview Restaurant*, 1:17-cv-03995 (FLSA & NYLL claims) and in the Southern District, I recently completed representation of the defendant employer in *Muniz v. Re Spec Corp et al.*, Case No. 1:16-CV-02878-AT (FLSA & NYLL claims).

An abbreviated list of some of the wage, labor and discrimination litigation in which I have acted over the past 20+ years is as follows: *Durak v. Enterprise*, EDNY Case No. 07cv5360 (prevailing wages); *Kolacz v. Enterprise Electrical Contracting, Inc.*, Sup. Ct., N.Y. Co. Index No. 102574/05(prevailing wages), *Lapinski v. Enterprise Elec.*, Sup. Ct., N.Y. Co. Index No. 600545/06 (prevailing wages), *Brockett, et al. v. Delphi*, Sup. Ct., NY Co. Index No. 106379/2006 (prevailing wages), *Gawez et al. v. Inter-Connection Electric, Inc.*, Sup. Ct. Kings Co. Index No. 34590/03(prevailing wages), *Gutowski v. Scatena*, Sup. Ct. Kings Co. Index No. 36614/99 (prevailing wages), *In re: Interworks Systems Inc., et al.*, EDNY Bankruptcy No. 03-84578 (FLSA), *Torres v. DAF*, Sup. Ct, NY Co., Index No. 17456/05 (prevailing wages), *Brockett, et al. v. Delphi Plumbing & Heating, Inc.*, NY Co. Index No. 106379/06 (prevailing wages), *Allen v. AJD Construction, NY Sup. Ct. Index No. 12095/01* (prevailing & FLSA wages), *Castillo v. Falcon Construction Corp.*, Bronx Co. Index No. 23497/01 (prevailing wages), *Christiansen v. G & F.A.S.T. Electric, Inc.*, Queens Co. Index No. 25772/98 (prevailing & FLSA wages), *Moran v. GTL Construction*, SDNY Case No. 06cv168 (2007)(FLSA), *Samborski et Al. v. Linear Abatement Corp.*, SDNY Case No. CV-96-1405 (1996); *Lollis v. Insurance Services Office, Inc.*, SDNY 00 Civ. 7128 (race discrimination); *Milowicki v. Michael Anthony Contracting Corp.*, EDNY Case No. 06 cv 5584(FLSA); *Kasperek v. ABAX Inc.*, Sup. Ct. NY Co. Index No. 600981/05 (prevailing wage); *Mercado et al. v. Esco Construction*, Sup. Ct. NY Co. Index No. 602877/00 (prevailing wage), *Johnston V. Showroom Auto*, EDNY Case No.: 15-CV-6428 (disability discrimination); *Bokina v. JAL Roofing Corp.*, Sup. Ct. NY Co. Index No. 601624/00(prevailing wages). In addition to these matter, I have handled dozens of administrative wage and hour claims and audits before the US Department of Labor, NYS Department of Labor, NYC Comptroller's Office and other agencies.

As Plaintiff will receive a settlement of \$10,000 in this case, attorneys fees of \$2,500 in this matter are reasonable at 25% of the case settlement. This is well within the range of fees

Honorable Brian M. Cogan
United States District Court, EDNY

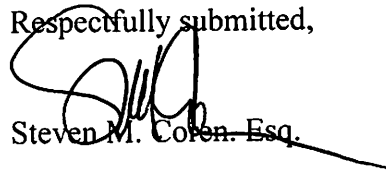
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typically awarded in cases in this Circuit. See *Castaneda v. My Belly's Playlist LLC*, No. 15 Civ. 1324 (JCF) (S.D.N.Y. Aug. 17, 2015) (awarding plaintiffs' attorneys a contingency fee of one-third to account for risks in litigation); see also *Calle v. Elite Specialty Coatings Plus, Inc.*, 2014 U.S. Dist. LEXIS 164069 at *9 (E.D.N.Y. Nov. 19, 2014) ("A one-third contingency fee is a commonly accepted fee in this Circuit.").

In light of the nature of the issues herein, the number of hours expended in this action, and the negotiations necessary to reach the agreed-upon settlement, Plaintiff's counsel's requested award is reasonable. See *Alleyne v. Time Moving & Storage Inc.*, 264 F.R.D. at 60; see also *McDaniel v. Cnty. of Schenectady*, 595 F.3d 411, 417 (2d Cir. 2010). Additionally, Plaintiff has already agreed to the fee provided for in the settlement.

The Court's attention is appreciated in advance.

Respectfully submitted,



Steven M. Cohen, Esq.

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encl

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 212-371-5800



Susan Santarella
 190 Knickerbocker Rd Apt 3
 Englewood, NJ 07631

Balance \$6,911.50
Invoice # 00204
Invoice Date April 29, 2019
Payment Terms
Due Date

Santarella & Jeffrey Schiller, M.D.
 For services rendered between
 January 22, 2019 and May 01, 2019

Securely pay online with your credit card
<https://coren-law-group-pc1.mycase.com/xc2jmm8a>



Time Entries

Date	EE	Activity	Description	Rate	Hours	Line Total
01/22/2019	SC	Email	from & to S. Santarella	\$400.00	0.3	\$120.00
01/31/2019	SC	Drafting, Preparation & Review	of Federal Court Complaint, research, emails to S. Santarella	\$400.00	3.5	\$1,400.00
02/04/2019	SC	Finalize	Damages Calculation & Federal Complaint; emails to A. Paykin & S. Santarella	\$400.00	2.3	\$900.00
02/05/2019	SC	Email	from & to A. Paykin, Esq.; call to S. Santarella	\$400.00	0.3	\$120.00
02/06/2019	SC	Email	with A. Paykin, Esq., & S. Santarella	\$400.00	0.3	\$120.00
02/11/2019	SC	Finalize	Summons, Complaint, Civil Cover Sheet; file documents with Federal Court	\$400.00	1.5	\$600.00
02/12/2019	SC	Review	Court Notices received; download signed Summons	\$400.00	0.3	\$100.00
02/15/2019	SC	Email	to Supreme Judicial Service	\$400.00	0.2	\$80.00
03/05/2019	SC	Telephone Calls	with D. Klein, Esq.; call to S. Santarella; file Affidavit of Service with Court	\$400.00	0.6	\$240.00
03/19/2019	SC	Telephone Call	with D. Klein, Esq.	\$400.00	0.3	\$100.00
03/21/2019	SC	Telephone Calls	from D. Klein, Esq.. & to S. Santarella	\$400.00	0.3	\$120.00
03/21/2019	SC	Telephone Call	conference call with D. Klein, Esq. & S. Santarella	\$400.00	0.3	\$120.00
03/22/2019	SC	Telephone Calls	with D. Klein, Esq. & S.Santarella; email to D. Klein, Esq., file review	\$400.00	0.4	\$160.00

03/26/2019	SC	Telephone Call	from D. Klein, Esq.	\$400.00	0.1	\$40.00
04/02/2019	SC	Review Documents Received	Settlement Agreement & Stipulation; emails from & to D. Klein, Esq.	\$400.00	0.5	\$200.00
04/08/2019	SC	Review	& revise settlement agreement; email to D. Klein, Esq.	\$400.00	1.3	\$520.00
04/10/2019	SC	Email	from & to D. Klein, Esq.	\$400.00	0.2	\$80.00
04/10/2019	SC	Drafting, Preparation & Review	of Letter to Judge Cogan (Fairness Letter)	\$400.00	0.5	\$200.00
04/11/2019	SC	Email	from & to D. Klein, Esq.	\$400.00	0.1	\$40.00
04/11/2019	SC	Drafting, Preparation & Review	of adjournment request letter to Judge Cogan; email to D. Klein, Esq.	\$400.00	0.3	\$120.00
04/11/2019	SC	Letter	to Judge Cogan; emails with D. Klein, Esq.	\$400.00	0.3	\$120.00
04/22/2019	SC	Finalize	two settlement agreements & Fairness Letter; telephone discussion with D. Klein, Esq.	\$400.00	1.5	\$600.00
04/29/2019	SC	File Court Documents	Review Documents Received, execute settlement stipulation	\$400.00	0.8	\$300.00
Non-billable Time Entries:						
01/28/2019	SC	Email	to & from S. Santarella	\$400.00	0.3	\$100.00
01/29/2019	SC	Email	to & from S. Santarella	\$400.00	0.5	\$200.00
Totals:					16.8	\$6,400.00

Expenses

Date	EE	Activity	Description	Cost	Quantity	Line Total
02/11/2019	SC	Court Filing	Fee	\$400.00	1.0	\$400.00
03/11/2019	SC	Process Server		\$111.50	1.0	\$111.50

Expense Total: **\$511.50**

Time Entry Sub-Total:	\$6,400.00
Expense Sub-Total:	\$511.50
Sub-Total:	\$6,911.50
Total:	\$6,911.50
Amount Paid:	\$0.00
Balance Due:	\$6,911.50